

B1
determining a portion of total call charges associated with the call that is attributable to at least one entity other than the subscriber based on the alternate services provided.

REMARKS

Claims 1-21 are pending. By this Amendment, claim 1 is amended to change "receive" to "continue" to be consistent with the "connecting" of the first element. No new matter is added. Reconsideration based on the above amendment and following remarks is respectfully requested.

The attached Appendix includes marked-up copies of each rewritten claim (37 C.F.R. §1.121(c)(1)(ii)).

Applicant thanks Examiner Hoosain and Gauthier for the courtesies extended to Applicant's representative, Gang Luo, during an August 29, 2002, personal interview. The substance of the interview is incorporated in the remarks below.

The Office Action rejects claims 1, 4, 5, 7-12, 14-16, 18 and 19 under 35 U.S.C. §103(a) over Farfan (U.S. Patent No. 5,946,378) in view of Sleevi (U.S. Patent No. 4,811,382). While expressly reserving the right to swear behind Farfan, Applicant respectfully traverses the rejection.

The Office Action acknowledges that Farfan does not disclose time slicing service that determines a portion of the time charged to a caller, but asserts that Sleevi teaches determining a portion of total call charges. However, Applicant respectfully submits that Farfan and Sleevi, individually or in combination, do not disclose or suggest determining a portion of total call charges associated with the call that is attributable to at least one entity other than the subscriber based on the alternative services provided, as recited in claims 1 and 14-16.

Farfan discloses an information-on-hold system which can be accessed by a subscriber when he decides to put a caller on hold. See col. 1, lines 43-62. However, as acknowledged in the Office Action, Farfan does not disclose a time slicing service that determines a portion of the time charged to the caller.

Sleevi discloses applying messages or data to customer lines of calling parties during the "ringback" of a telephone call setup. See col. 7, lines 5-10. As is well known, a caller is not connected to a called party during ringback. In Sleevi, a central office sends out ringback signals when signaling a called party of an incoming call from a caller but before connecting the caller to the called party. See col. 1, line 58 - col. 2, line 4. Thus, as agreed at the interview, because the messages or data are applied before the caller is connected to the called party, neither the caller nor the called party is responsible for any charges that might be associated with applying the messages or data. Therefore, the charges that might be associated with applying the messages or data are not a portion of the charges associated with the call between the caller and the called party. Indeed, Sleevi discloses charging advertisers so as to reduce telephone rates in general, but does not disclose reducing charges for a specific telephone call based on any portion of the charges thereof. See col. 9, lines 3-22. Accordingly, Sleevi does not disclose or suggest determining a portion of total call charges associated with the call that is attributable to at least one entity other than the subscriber based on the alternative services provided, as recited in claims 1 and 14-16.

As agreed at the interview, for at least the above reasons, Sleevi does not supply the subject matter lacking in Farfan. Therefore, Farfan and Sleevi, individually or in combination, do not disclose or suggest the subject matter recited in claims 1 and 14-16, and claims 4, 5, 7-12,

18 and 19 depending therefrom. Withdrawal of the rejection of claims 1, 4, 5, 7-12, 14-16, 18 and 19 under 35 U.S.C. §102(a) is respectfully requested.

The Office Action rejects claim 2 under 35 U.S.C. §103(a) over Farfan in view of Sleevi and in further view of Andrews et al. (U.S. Patent No. 5,271,058). This rejection is respectfully traversed.

Andrews discloses an automatic call distributing system for automatically distributing telephone calls placed over a network. See col. 1, lines 48-52. Andrews does not disclose a time slicing service for applying messages or data at a telephone call. Thus, nowhere does Andrews disclose or suggest determining a portion of total call charges associated with a call that is attributable to at least one entity other than the subscriber based on the alternative services provided, as recited in claim 1. Therefore, Andrews does not supply the subject matter lacking in Farfan and Sleevi. Thus, Farfan, Sleevi, and Andrews, individually or in combination, do not disclose or suggest the subject matter recited in claim 1, and claim 2 depending therefrom. Accordingly, withdrawal of the rejection of claim 2 under 35 U.S.C. §103(a) is respectfully requested.

The Office Action rejects claims 3, 6, 17 and 21 under 35 U.S.C. §103(a) over Farfan in view of Sleevi and in further view of Iida et al. (U.S. Patent No. 5,440,541). This rejection is respectfully traversed.

Iida discloses retrieving personal information in a personal communication system for establishing communications based on a unique personal number assigned to each subscriber. See col. 2, lines 31-50. Iida does not disclose a time slicing service for applying messages or data at a telephone call. Thus, nowhere does Iida disclose or suggest determining a portion of total call charges associated with the call that is attributable to at least one entity other than the

subscriber based on the alternative services provided, as recited in claims 1 and 16. Thus, Iida does not supply the subject matter lacking in Farfan and Sleevi. Therefore, Farfan, Sleevi, and Iida, individually or in combination, do not disclose or suggest the subject matter recited in claims 1 and 16, and claims 3, 6, 17 and 21 depending therefrom. Accordingly, withdrawal of the rejection of claims 3, 6, 17 and 21 under 35 U.S.C. §103(a) is respectfully requested.

The Office Action rejects claims 13 and 20 under 35 U.S.C. §103(a) over Farfan in view of Sleevi and in further view of Gregorek et al. (U.S. Patent No. 5,321,740). This rejection is respectfully traversed.

Gregorek discloses playing announcements or messages to a calling party during a time period when an audible call progress signal is produced. See col. 2, lines 1-10. An audible call progress signal is either an audible ringback or busy signal. See col. 3, lines 21-28. The announcements or messages are played before a caller is connected to a called party. See col. 4, lines 56-61. As agreed at the interview, nowhere does Gregorek discloses playing such announcements when the caller is connected to the called party. Thus, because the announcements or messages are played before the caller is connected to the called party, neither the caller nor the called party is responsible for the charges associated with playing the announcements or messages. Therefore, the charges associated with the announcements or messages are not a portion of the charges of the call between the caller and the called party. Accordingly, Gregorek does not disclose or suggest determining a portion of total call charges associated with the call that is attributable to at least one entity other than the subscriber based on the alternate services provided, as recited in claims 1 and 16.

As agreed at the interview, for at least these reasons, Gregorek does not supply the subject matter lacking in Farfan and Sleevi. Thus, Farfan, Sleevi, and Gregorek, individually or

in combination, do not disclose or suggest the subject matter recited in claims 1 and 16, and claims 13 and 20 depending therefrom. Accordingly, withdrawal of the rejection of claims 13 and 20 under 35 U.S.C. §103(a) is respectfully requested.

In view of the foregoing, Applicant respectfully submits that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-21 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the telephone number set forth below.

Respectfully submitted,



James A. Oliff, Reg. No. 27,075
Gang Luo, Reg. No. 50,559
Attorney for Applicant

JAO:GL/srh

Attachment:
Appendix

Date: September 17, 2002

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461
--